



Designing Housing & Public Accommodations

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Fair Employment & Housing Act

- What is a covered multifamily dwelling?
 - With elevator: “Buildings that consist of at least four condominium dwelling units or at least three rental apartment dwelling units if the buildings have at least one elevator.”
 - Without elevator: “**The ground floor dwelling units** in buildings that consist of at least four condominium dwelling units or at least three rental apartment dwelling units if the buildings do not have an elevator.”
 - “Dwelling units within a single structure separated by firewalls do not constitute separate buildings.”

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- What is a multistory dwelling unit?
 - “A condominium dwelling unit or rental apartment with finished living space on one floor and the floor immediately above or below it or, if applicable, the floor immediately above and below it.”

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- What is Discrimination?
 - Government Code section 12955.1(a): “A failure to design and construct a covered multifamily dwelling in a manner that allows access to and use by disabled persons.”

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- What is Discrimination?
 - Government Code section 12955.1(b): “A failure to design and construct 10 percent of the **multistory dwelling units in buildings without an elevator** that consist of at least four condominium dwelling units or at least three rental apartment dwelling units in a manner that incorporates
 - an accessible route to the primary entry level entrance and that
 - meets the requirements of paragraph (2) of subdivision (a) with respect to the ground floor,
 - at least one bathroom on the primary entry level and the public and common areas.”

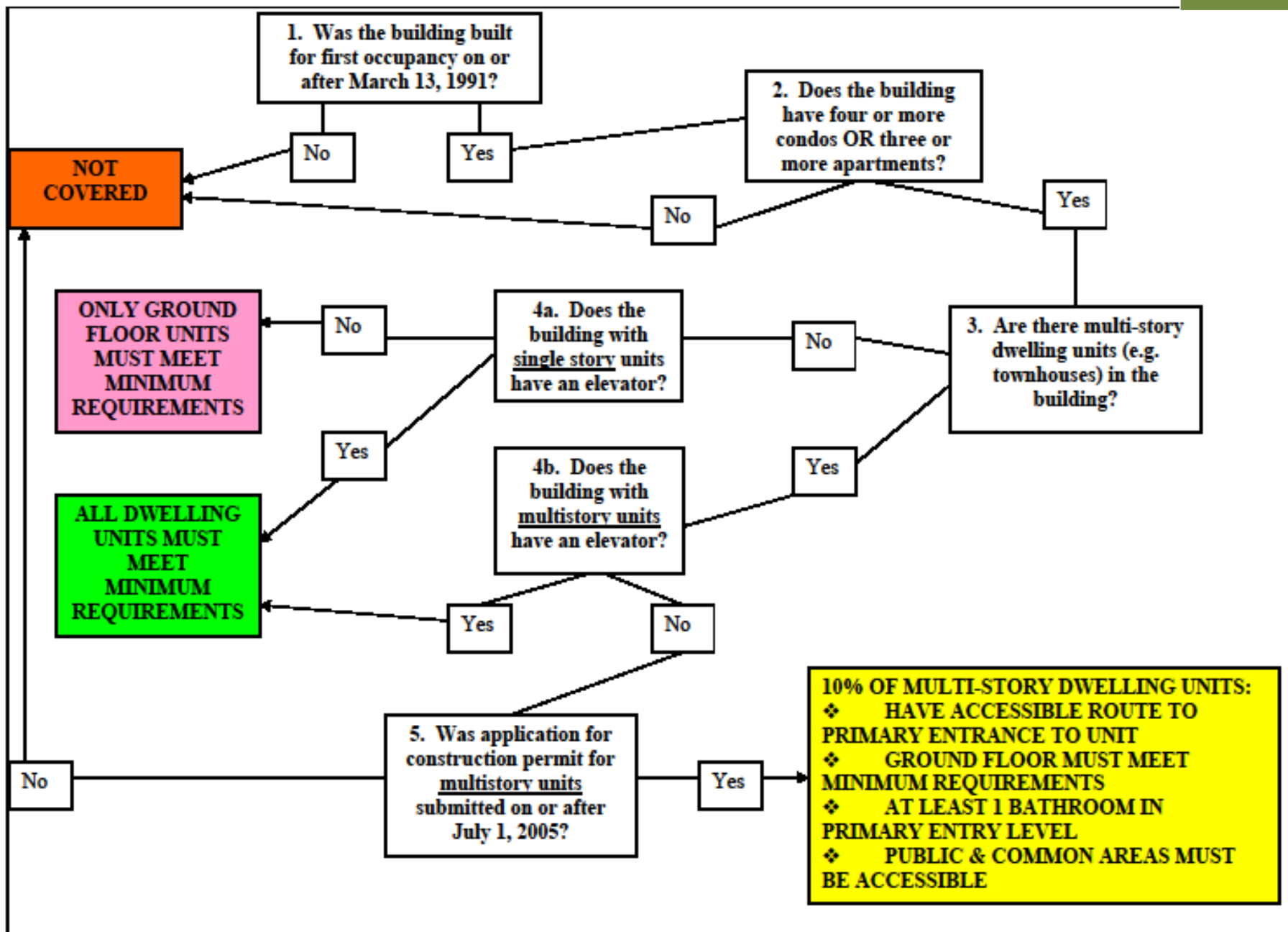
What buildings are exempt from the minimum design and construction requirements?

- Building with fewer than 3 condominium units
- Building with fewer than 2 apartment units
- Detached single family house
- Duplex

Multistory Dwelling Units

- No requirement to put an elevator within an individual multistory dwelling unit.
 - But if there is an elevator within, then it must meet all the minimum requirements.
- Elevator building
 - Federal: Primary entrance level of the multistory townhouse must be the level served by elevator and the level must comply with access requirements.
 - California: All dwelling units must meet minimum requirements.
- Non-Elevator building
 - Federal: Exempt
 - California: Ground floor single story units must meet minimum requirements; 10% of multistory townhouses must have accessible route to said townhouse; at least 1 bathroom on the primary entry level; at least 1 bathroom in the public and common area.

When do the FEHA's design & construction requirements apply?

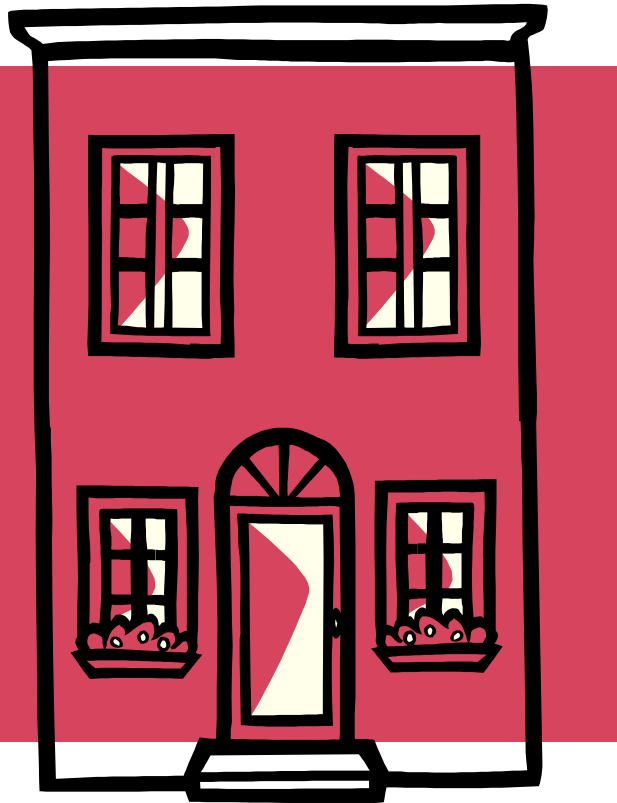


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- Government Code section 12955.1(d): “In investigating discrimination complaints, the department shall apply the building standards contained in the California Building Standards Code to determine whether a covered multifamily dwelling is designed and constructed for access to and use by disabled persons.”

Minimum Requirement 1

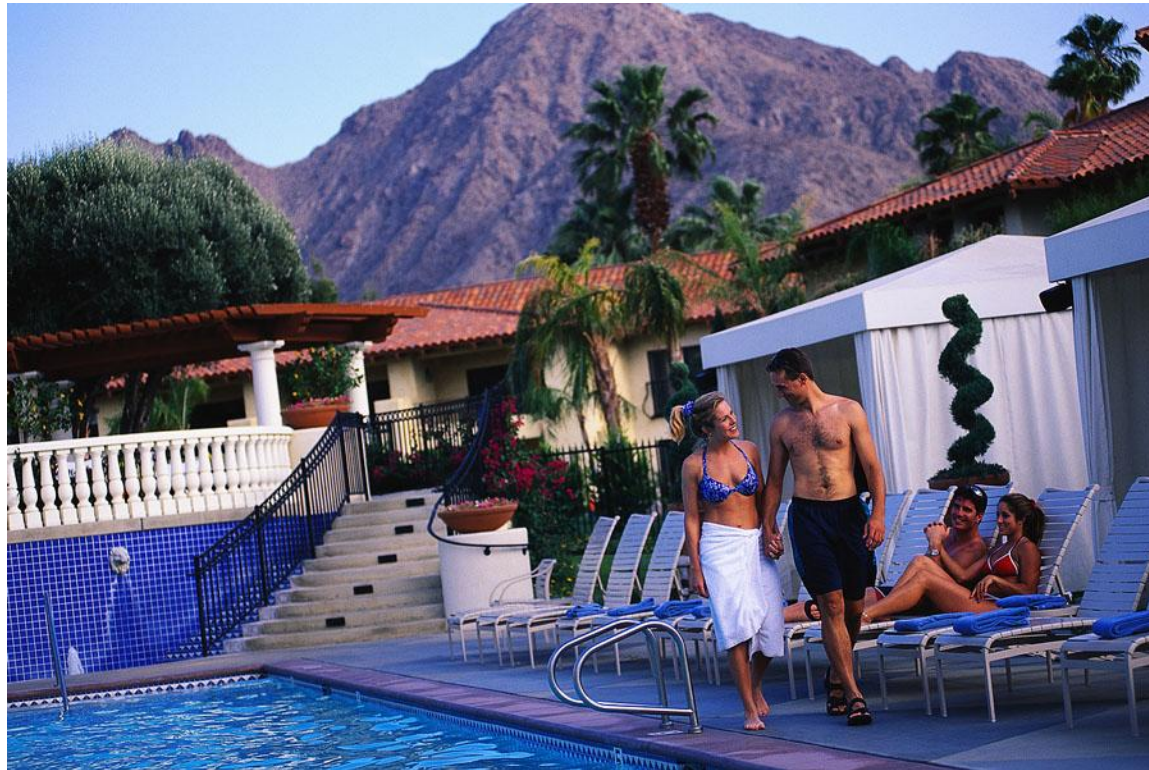
- “At least one building entrance on an accessible route, unless it is impracticable to do so because of the terrain or unusual characteristics of the site.” – Gov. Code, § 12955.1, subd. (a)(1)
 - Burden of establishing impracticability because of terrain or unusual characteristics of the site falls on the person(s) who designed/constructed the building

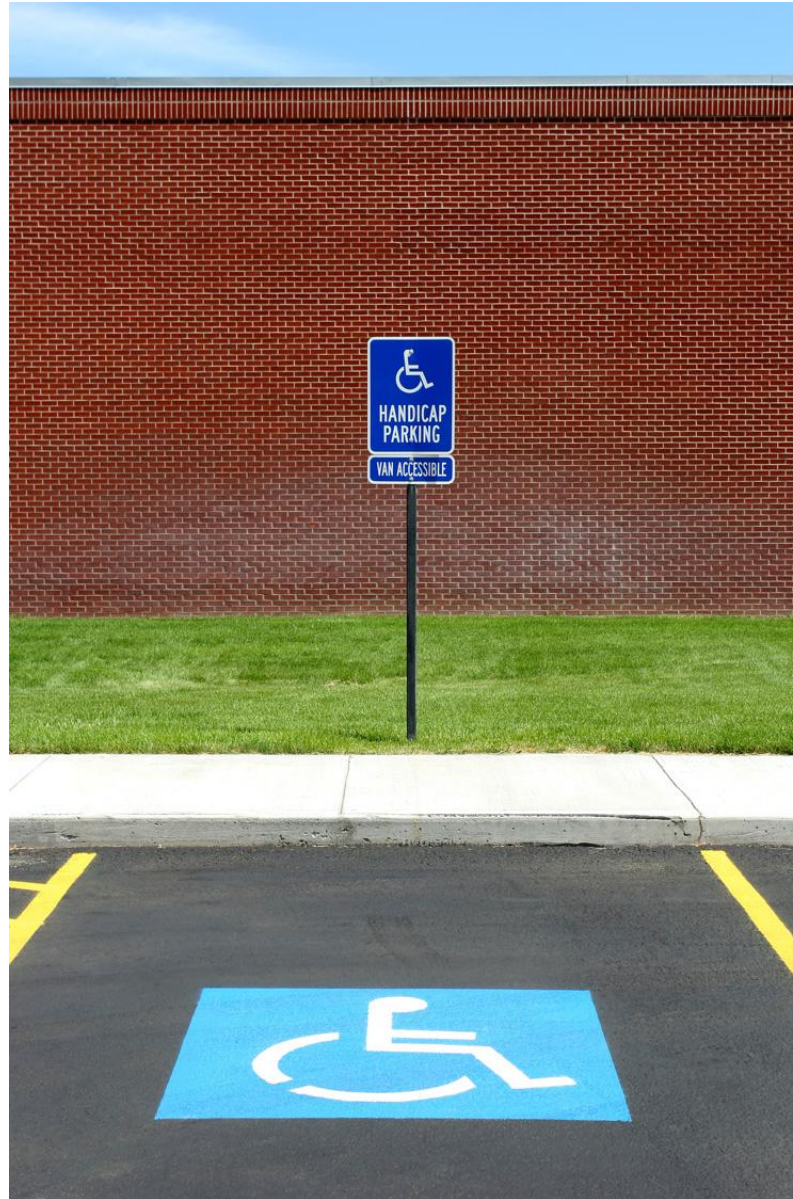




Minimum Requirement 2

- “The public and common areas are readily accessible to and usable by persons with disabilities.” – Gov. Code, § 12955.1, subd. (a)(2)(A)





Minimum Requirement 3

- “All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by persons in wheelchairs.” - Gov. Code, § 12955.1, subd. (a)(2)(B)



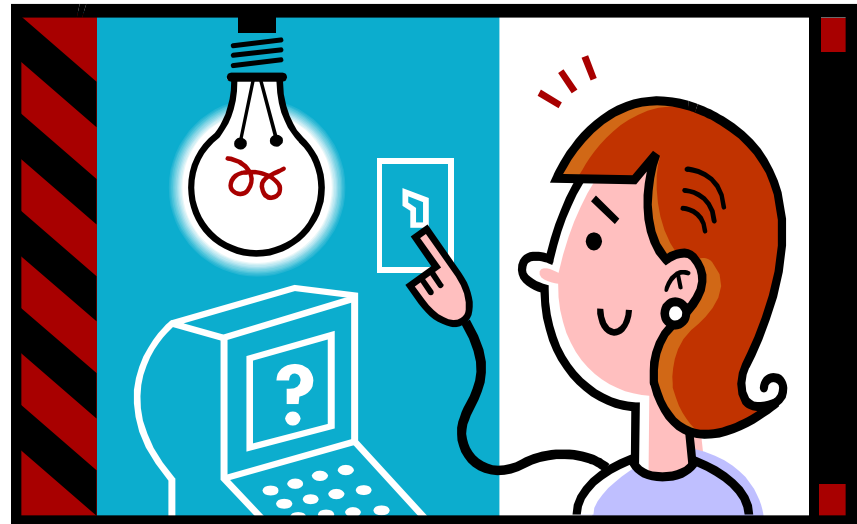
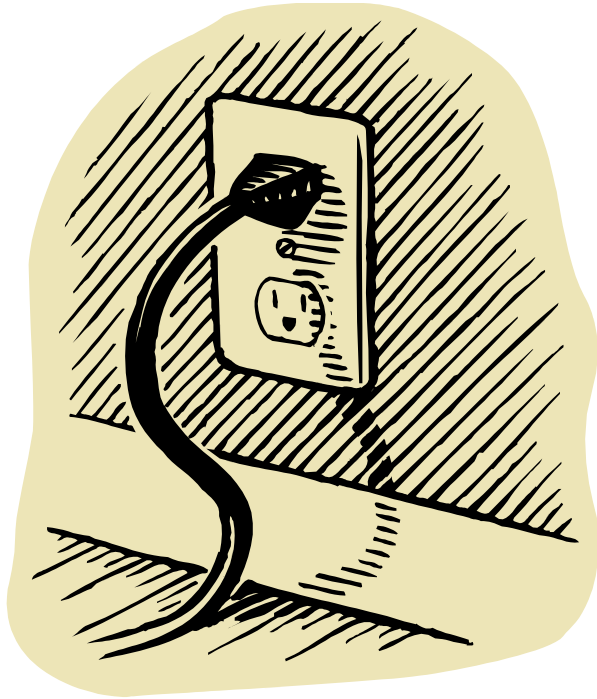
Minimum Requirement 4

- “An accessible route into and through the covered dwelling unit.” - Gov. Code, § 12955.1, subd. (a)(2)(C)(i)



Minimum Requirement 5

- “Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.” - Gov. Code, § 12955.1, subd. (a)(2)(C)(ii)



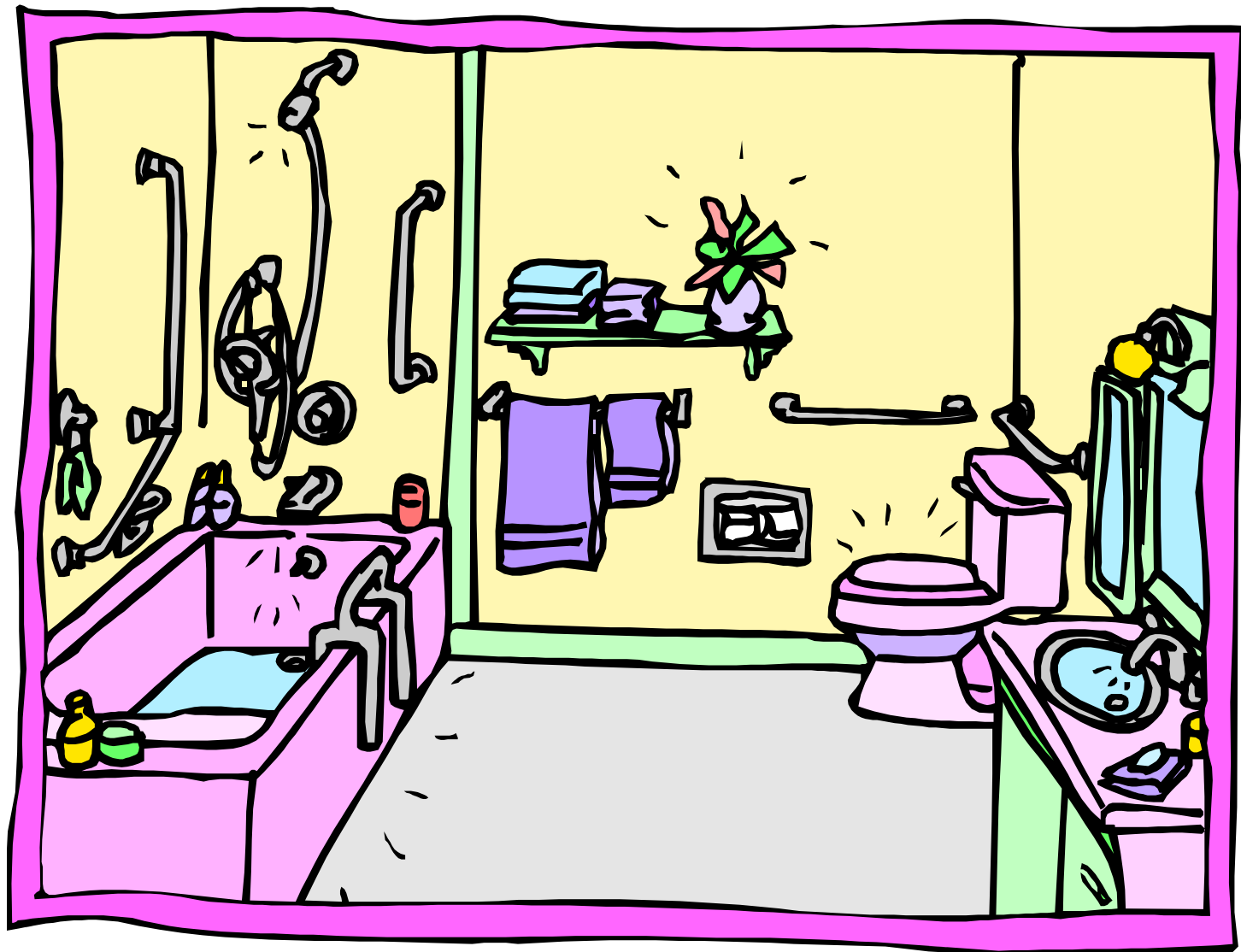




Minimum Requirement 6

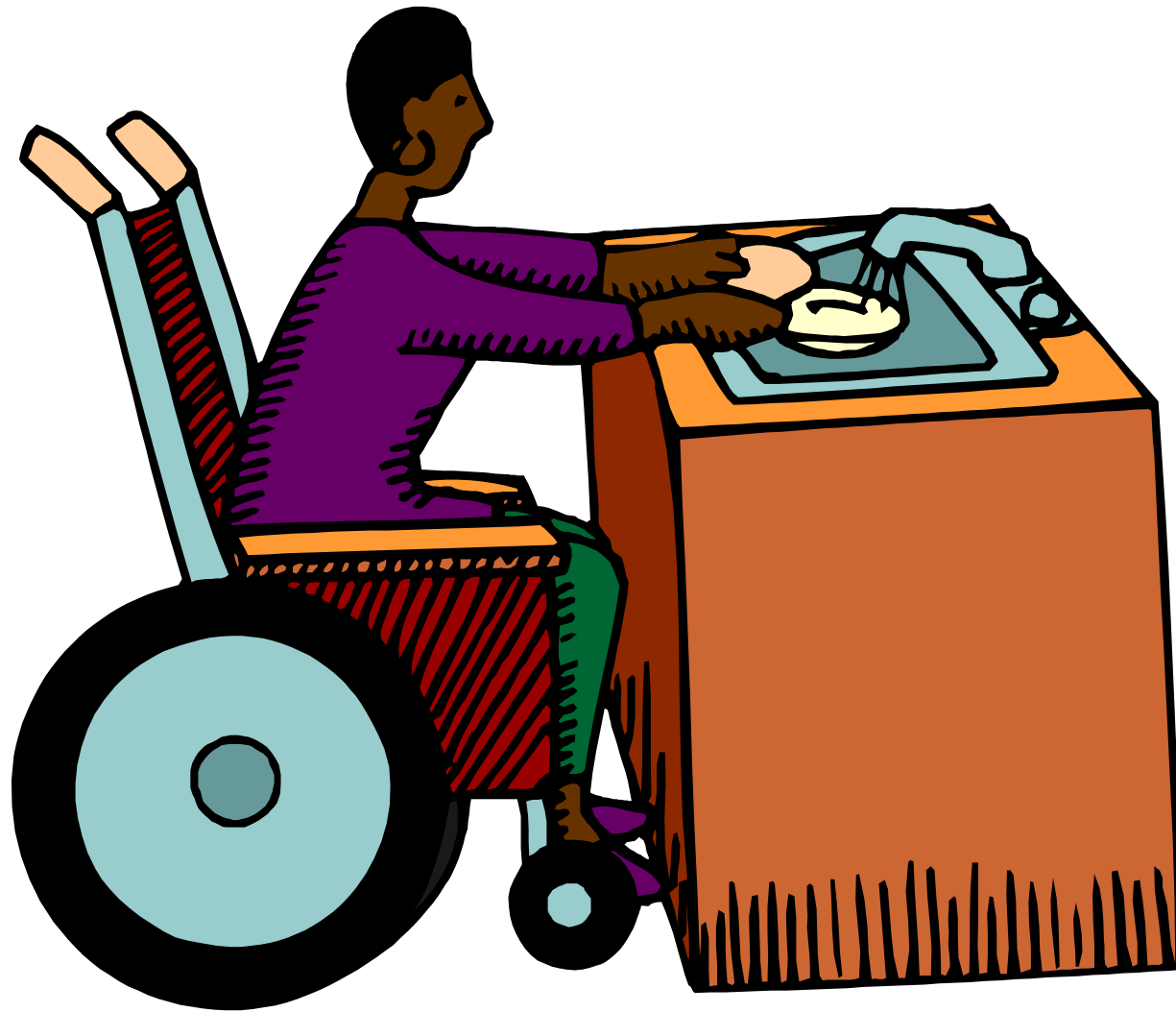
- “Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall, and shower seat, where those facilities are provided.” - Gov. Code, § 12955.1, subd. (a)(2)(C)(iii)





Minimum Requirement 7

- “Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.” - Gov. Code, § 12955.1, subd. (a)(2)(C)(iv)







Public Accommodations

- Civil Code section 54.1: “Individuals with disabilities shall be entitled to full and equal access, as other members of the general public, to ... places of public accommodation . . . and other places to which the general public is invited, subject only to the conditions and limitations established by law, or state or federal regulation, and applicable alike to all persons.”

What Is A Public Accommodation?

- An entity must be private; and
- It must –
 - Own;
 - Lease;
 - Lease to; or
 - Operate
- A place of public accommodation.

What Is A Place Of Public Accommodation?

- Affects commerce; and
- Falls within any of the 12 categories

Public Accommodations

- Places of lodging
- Establishments serving food or drink
- Places of exhibition or entertainment
- Places of public gathering
- Sales or rental establishments
- Service establishments
- Public transportation terminals, depots, or stations
- Places of public display or collection
- Places of recreation
- Places of education
- Social service center establishments
- Places of exercise or recreation

Resources

- Housing Accessibility Checklist (based on Chapter 11A of the 2010 CA Building Code):
http://www.hcd.ca.gov/codes/shl/HCDAccessChecklist_Complete.pdf
- 2010 CA Building Code:
 - Housing:
http://publiccodes.citation.com/st/ca/st/b200v10/st_ca_st_b200v10_11a_section.htm
 - Public Accommodations:
http://publiccodes.citation.com/st/ca/st/b200v10/st_ca_st_b200v10_11b_section.htm
- Title III of the Americans with Disabilities Act:
<http://www.ada.gov/taman3.html>
- Americans with Disabilities Act Accessibility Guidelines (ADAAG):
<http://www.access-board.gov/adaag/html/adaag.htm>



Thank You!